

EXHIBIT 1

**Declaration of David Kwasniewski in Support of Nature's Bakery's
Application Fees Pursuant to ECF No. 104**

EXHIBIT 1

DICKINSON WRIGHT PLLC

JUSTIN J. BUSTOS

Nevada Bar No. 10320

BROOKS T. WESTERGARD

Nevada Bar No. 14300

100 W. Liberty St., Ste. 940

Reno, NV 89501

(775) 343-7500

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BRAUNHAGEY & BORDEN LLP

ANDREW LEVINE (PRO HAC VICE)

DAVID KWASNIEWSKI (PRO HAC VICE)

351 California Street, 10th Floor

San Francisco, CA 94104

Tel: (415) 599-0210

Email: levine@braunhagey.com

Email: kwasniewski@braunhagey.com

TEL: (415) 599-0210

Attorneys for Defendant Nature's Bakery, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TURKIYE IHRACAT KREDI BANKASI,
A.S.,

Plaintiff,

vs.

NATURE'S BAKERY, LLC F/K/A BELLA
FOUR BAKERY, INC.,

Defendant.

NATURE'S BAKERY, LLC,

Third-Party Plaintiff,

vs.

INTRANSIA, LLC,

Case No. 3:20-cv-00330-LRH-CLB

**DECLARATION OF DAVID
KWASNIEWSKI IN SUPPORT OF
NATURE'S BAKERY'S APPLICATION
FOR FEES PURSUANT TO ECF NO. 104**

Third-Party
Defendants.

INTRANSIA, LLC,

Counterclaimant,

vs.

NATURE’S BAKERY, LLC F/K/A BELLA
FOUR BAKERY, INC.,

Counterdefendant.

I, David Kwasniewski, declare:

1. I am licensed to practice before this Court and counsel of record for Plaintiff Nature’s Bakery, LLC (“Nature’s Bakery”). I am an attorney with BraunHagey & Borden LLP (“BHB”) and am familiar with my firm’s billing practices and its billing in this matter. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the facts stated herein.

2. I submit this declaration pursuant to the Court’s October 29, 2021 Order finding that Plaintiff engaged in discovery misconduct and awarding Nature’s Bakery the fees and costs it incurred as a result. Plaintiff’s discovery misconduct caused Nature’s Bakery prejudice in at least five ways: (1) Nature’s Bakery spent fees and costs to arrange for a deposition of Plaintiff that never occurred; (2) Nature’s Bakery then had to file a motion for sanctions for Plaintiff’s discovery violation; (3) Nature’s Bakery also had to file a motion to strike Plaintiff’s improper summary judgment submission (as a conservative estimate, approximately half of the briefing on this motion concerned Plaintiff’s discovery misconduct); (4) Nature’s Bakery had to file a sur-reply addressing new issues and arguments raised in Plaintiff’s improper submission (as a conservative estimate, approximately one quarter of this sur-reply also addressed the consequences of Plaintiff’s discovery misconduct, namely, that Plaintiff’s only evidence was a

self-serving declaration of an un-deposed witness); and (5) Nature's Bakery had to incur further fees to prepare the instant fee application.

3. Attached as **Exhibits A** are excerpts of the invoices submitted to Nature's Bakery in connection with this matter for the time periods in which the above-described work occurred. I have reviewed these invoices and tallied attorney and paralegal time spent on each item below. Where time entries reflected that work was performed on multiple items, I apportioned the time accordingly.

I. BHB'S QUALIFICATIONS AND RATES

4. BHB is a 30-lawyer boutique headquartered in San Francisco that routinely handles high profile, complex litigation involving antitrust, unfair competition, and other commercial matters. We regularly appear before federal and state courts throughout the country to prosecute and defend claims involving a variety of business issues. Our clients run from Fortune 500 Companies to small businesses and encompass many different types of industries. We have successfully litigated and arbitrated disputes exceeding many billions of dollars.

5. In addition to complex commercial litigation, we also handle significant pro bono and impact litigation assignments. Every time we have petitioned a court for our fees in such matters, they have been approved.

6. Most of our clients, including Nature's Bakery, pay for our firm's services on an hourly basis. Our rates increase on a yearly basis. The rates given below are the 2020 rates that BHB clients, and Nature's Bakery, actually paid in this case. Our firm's past rates have been approved in decisions issued by numerous courts, including the Ninth Circuit in *Walker v. B&G Foods, Inc., et al.*, Case No. 16-15349 (9th Cir., Jul. 20, 2017), courts in this District in *Hill v. Robert's Am. Gourmet Food, Inc.*, No. C 13-80166 EDL (N.D. Cal.), other district courts, in *Hunt v. Sunny Delight Beverages Co.*, 18-cv-00557-JLS-DFM (C.D. Cal.), Dkt. No. 69, and California state courts in *Davis v. AG Seal Beach, LLC, et al.*, Case No. BC468346 (Los Angeles Super. Ct.), and *State of California ex rel. Todd Dominguez v. En Pointe Techs. Inc., et al.*, Case No. 37-2011-00100936-CU-BTL (San Diego Super. Ct.).

1 7. Andrew Levine is a partner at BHB with over a decade of experience in complex
2 commercial litigation. He is a graduate of Berkeley Law School who clerked for the Honorable
3 Edward R. Korman in the United States District Court for the Eastern District of New York, and
4 previously worked at the law firms Heller Ehrman LLP and Kecker & Van Nest LLP. His hourly
5 rate is \$795. He spent an efficient 3.3 hours revising the motion for sanctions, 3.5 hours revising
6 the motion to strike, 4.6 hours revising the sur-reply, and 1 hour revising the fee application.

7 8. I am an associate at BHB who has nine years of commercial litigation experience.
8 I am a graduate of Cornell Law School, who clerked for the Honorable Curtis V. Gomez, Chief
9 Judge of the District Court of the Virgin Islands. Prior to joining BHB, I worked at the law firm
10 Steptoe & Johnson LLP. My hourly rate is \$675 per hour. I spent an efficient 1.6 hours in efforts
11 to schedule Plaintiff's deposition; 38.8 hours on the motion for sanctions; an efficient 29 hours
12 on the motion to strike; an efficient 13.2 hours on the sur-reply; and an efficient 3 hours on this
13 application.

14 9. Andrea Hasegawa is an attorney at BHB with two decades of experience in
15 complex commercial litigation. She is a graduate of the University of Chicago law School and
16 previously worked for the law firms Morrison & Foerster and Sheppard Mullin LLP. Her hourly
17 rate is \$575. She spent an efficient 31.8 hours on the motion for sanctions.

18 10. Eric Schlabs is an associate at BHB with over four years of experience in complex
19 commercial litigation. He is a graduate of the University of Pennsylvania Law School who
20 clerked for the Honorable Richard G. Andrews, United States District Court for the District of
21 Delaware. Prior to joining BHB, he worked for the law firm Kirkland & Ellis LLP. His hourly
22 rate is \$495. He spent an efficient 1.5 hours conducting legal research for the motion to strike
23 and 20.4 hours researching and drafting the sur-reply.

24 11. Cameron Baker is a senior paralegal at BHB with three years of experience in
25 complex commercial litigation. His hourly rate is \$205 per hour. He spent an efficient 2.9 hours
26 arranging for a deposition of Plaintiff, 2.3 hours assisting with the motion for sanction, 0.2 hours
27 assisting with the motion to strike, and 1 hour assisting with the instant application.
28

12. I have personal knowledge of the rates charged and used in client pitches by other law firms in the Bay Area. Although our base pay for associates exceeds the “Cravath Scale,” *i.e.*, the standard lockstep rates paid by big firms, the rates that BHB charges its clients, and the rates paid by Nature’s Bakery for the work done at trial and in this motion, are substantially lower than the rates charged by the big firms and boutiques where our lawyers, including myself, previously practiced, *e.g.*, Morrison & Foerster, LLP, Quinn Emanuel Urquhart & Sullivan LLP, Latham & Watkins, LLP, Kecker & Van Nest LLP, and Munger, Tolles & Olson, LLP to name a few.

II. COSTS

13. Nature’s Bakery also incurred \$756.15 to reserve a court reporter and incurred Westlaw charges in the amount of \$604.51 in connection with the Motion to Strike and \$763.88 in connection with the Sur-Reply.

III. CONCLUSION

14. Pursuant to the above, Nature’s Bakery respectfully requests that the Court award **\$73,662.03**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 12, 2021

/s/ David Kwasniewski

David Kwasniewski

EXHIBIT A

EXCERPTS OF INVOICES SUBMITTED TO NATURE'S BAKERY

EXHIBIT A

BRAUNHAGEY & BORDEN LLP

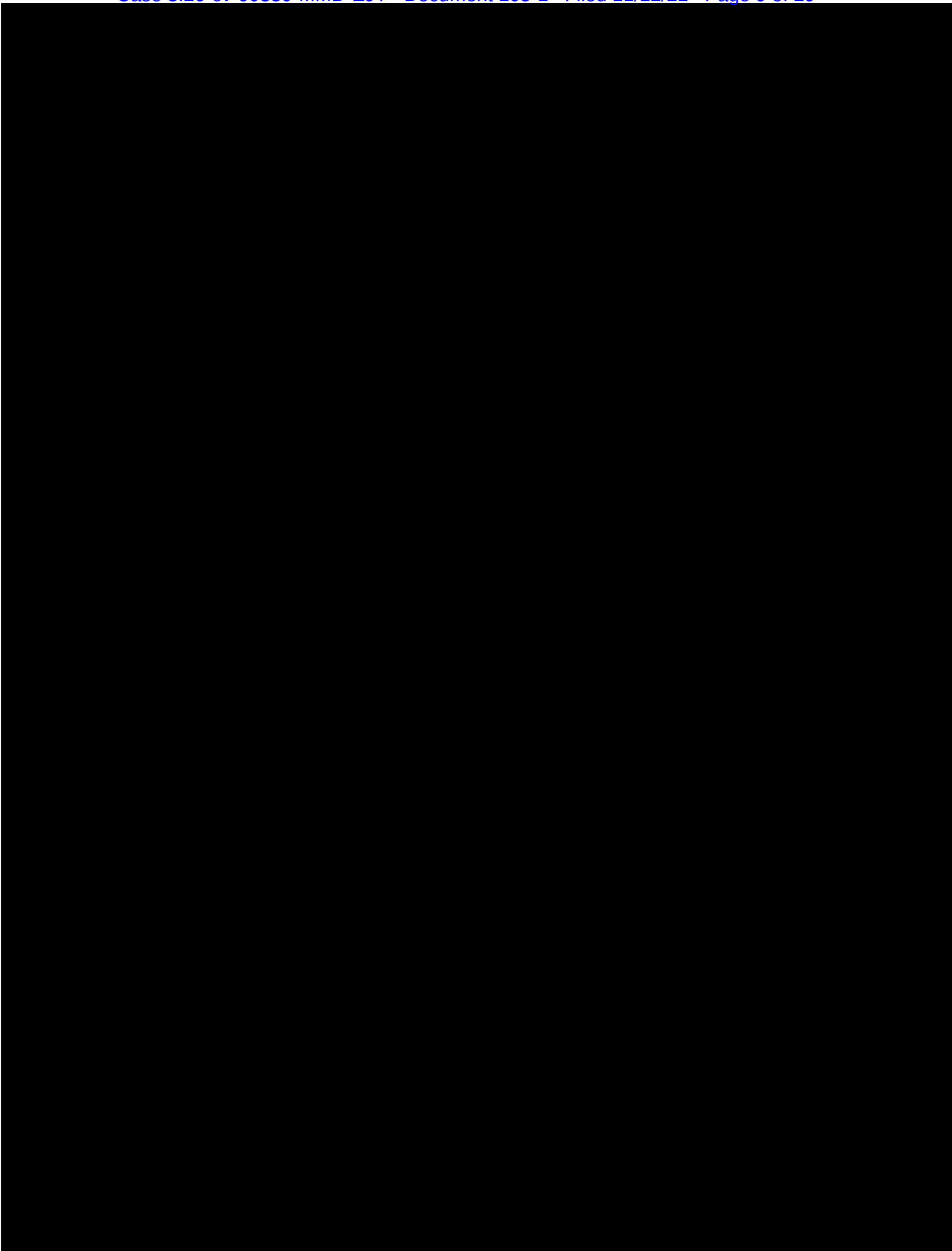
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104
www.braunhagey.com

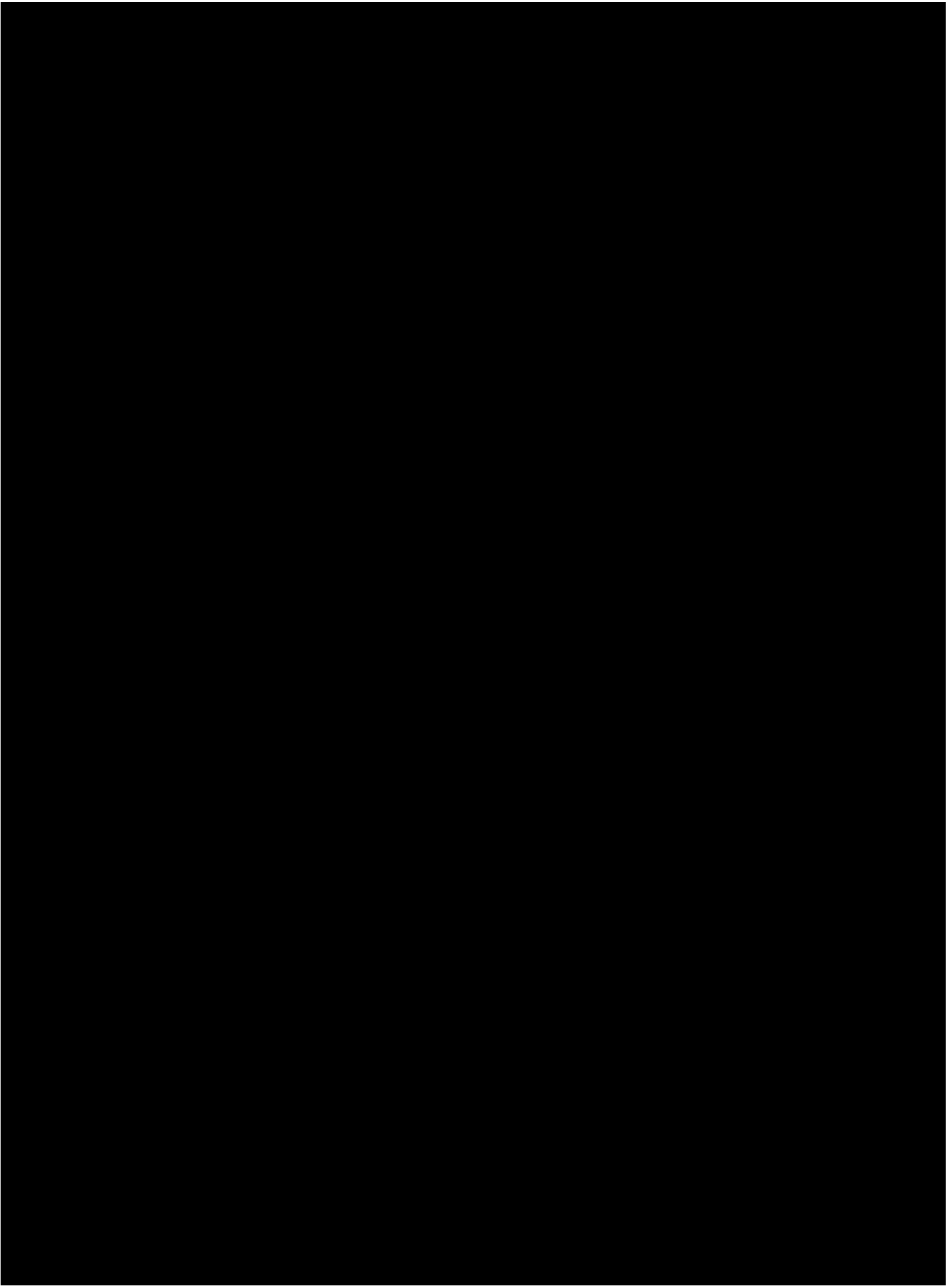
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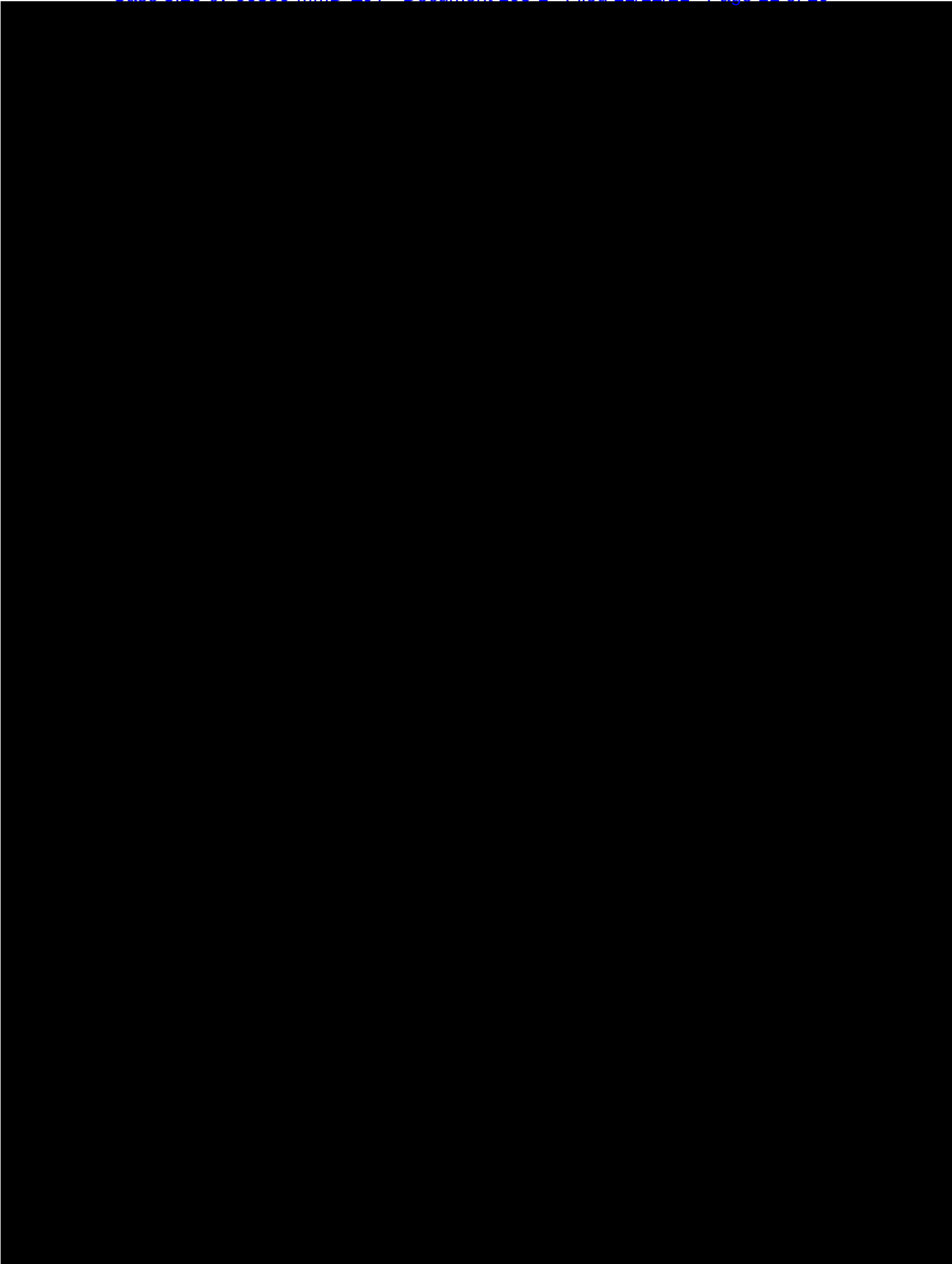
Nature's Bakery
 425 Maestro Drive, Suite 101
 Reno, NV 89511
 Email: chirag.shah@naturesbakery.com; clansing@naturesbakery.com

Invoice #	30714
Invoice Date	05/28/2021
For Services Through	04/30/2021
Terms:	N/A

<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Exim Bank Dispute/Elmas (Labor)				
04/22/2021	CQB	<i>Paralegal Services</i> Prepare 30(b)(6) deposition notice of plaintiff Eximbank, with deposition topics, general definitions and instructions, prepare Attachment A; Emails with court reporter re: status of in-person depositions, available offices to hold deposition, and potential scheduling; Circulate all to D.Kwasniewski for review and edits.	2.70 at \$ 205.00/hr	\$ 553.50
04/29/2021	DHK	<i>Litigation Services</i> Meet and confer with opposing counsel re discovery; review and analyze opposition to motion for summary judgment	2.30 at \$ 675.00/hr	\$ 1,552.50







BRAUNHAGEY & BORDEN LLP

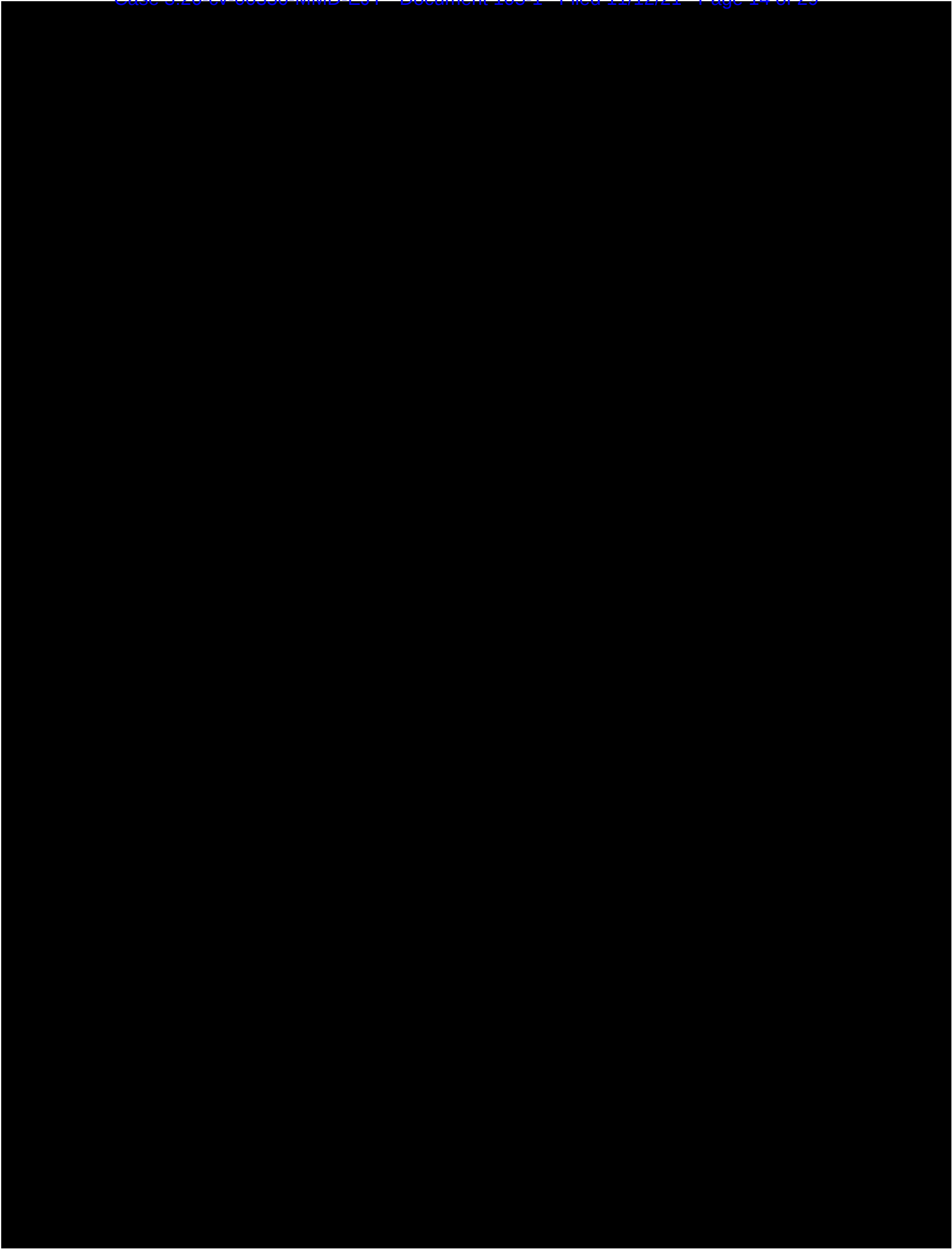
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104
www.braunhagey.com

Invoice submitted to:

Nature's Bakery
 425 Maestro Drive, Suite 101
 Reno, NV 89511
 Email: chirag.shah@naturesbakery.com; clansing@naturesbakery.com

Invoice #	30912
Invoice Date	07/07/2021
For Services Through	05/31/2021
Terms:	N/A

<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Exim Bank Dispute/Elmas (Labor)				
05/03/2021	CQB	<i>Paralegal Services</i> Calendar PMK deposition of plaintiff Turkiye Ihracat Kredi Bankasi, A.S., circulate to counsel.	0.20 at \$ 205.00/hr	\$ 41.00
05/04/2021	CQB	<i>Paralegal Services</i> Calculate and calendar date to respond to response to motion for summary judgment.	0.20 at \$ 205.00/hr	\$ 41.00
05/04/2021	AL	<i>Litigation Services</i> Review Intrasia opp to SJ; conference with BHB	1.50 at \$ 795.00/hr	\$ 1,192.50
05/05/2021	CQB	<i>Paralegal Services</i> Format emails to produce to opposing counsel, bates stamp and finalize; Prepare email to opposing counsel serving NB000038-42.	0.50 at \$ 205.00/hr	\$ 102.50
05/05/2021	DHK	<i>Litigation Services</i> Prepare Joe Marshall for deposition; review opposition to motion for summary judgment and draft reply to same	3.70 at \$ 675.00/hr	\$ 2,497.50
05/07/2021	DHK	<i>Litigation Services</i> Prepare for and attend deposition of Joe Marshall; discuss same with A. Levine; research and draft reply in support of motion for summary judgment	5.70 at \$ 675.00/hr	\$ 3,847.50
05/10/2021	DHK	<i>Litigation Services</i> Research and draft reply in support of motion for summary judgment	3.20 at \$ 675.00/hr	\$ 2,160.00
05/11/2021	DHK	<i>Litigation Services</i> Research and draft reply in support of motion for summary judgment	3.70 at \$ 675.00/hr	\$ 2,497.50
05/12/2021	DHK	<i>Litigation Services</i> Research and draft reply in support of motion for summary judgment; draft motion for sanctions re plaintiff's failure to appear at deposition	6.70 at \$ 675.00/hr	\$ 4,522.50
05/12/2021	AL	<i>Litigation Services</i> Analyze draft reply ISO summary judgment; conference with D. Kwasniewski re same	0.50 at \$ 795.00/hr	\$ 397.50
05/12/2021	CQB	<i>Paralegal Services</i> Prepare producible version of Declaration of Jon Wesson, bates stamped NB000043-44; Prepare email to opp. counsel serving same.	0.50 at \$ 205.00/hr	\$ 102.50
05/14/2021	DHK	<i>Litigation Services</i> Finalize reply in support of motion for summary judgment; draft motion for sanctions re plaintiff's failure to appear at deposition; discuss same with client	4.50 at \$ 675.00/hr	\$ 3,037.50



BRAUNHAGEY & BORDEN LLP

BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104
www.braunhagey.com

Invoice submitted to:

Nature's Bakery
 425 Maestro Drive, Suite 101
 Reno, NV 89511
 Email: chirag.shah@naturesbakery.com; clansing@naturesbakery.com

Invoice #	31197
Invoice Date	07/20/2021
For Services Through	06/30/2021
Terms:	N/A

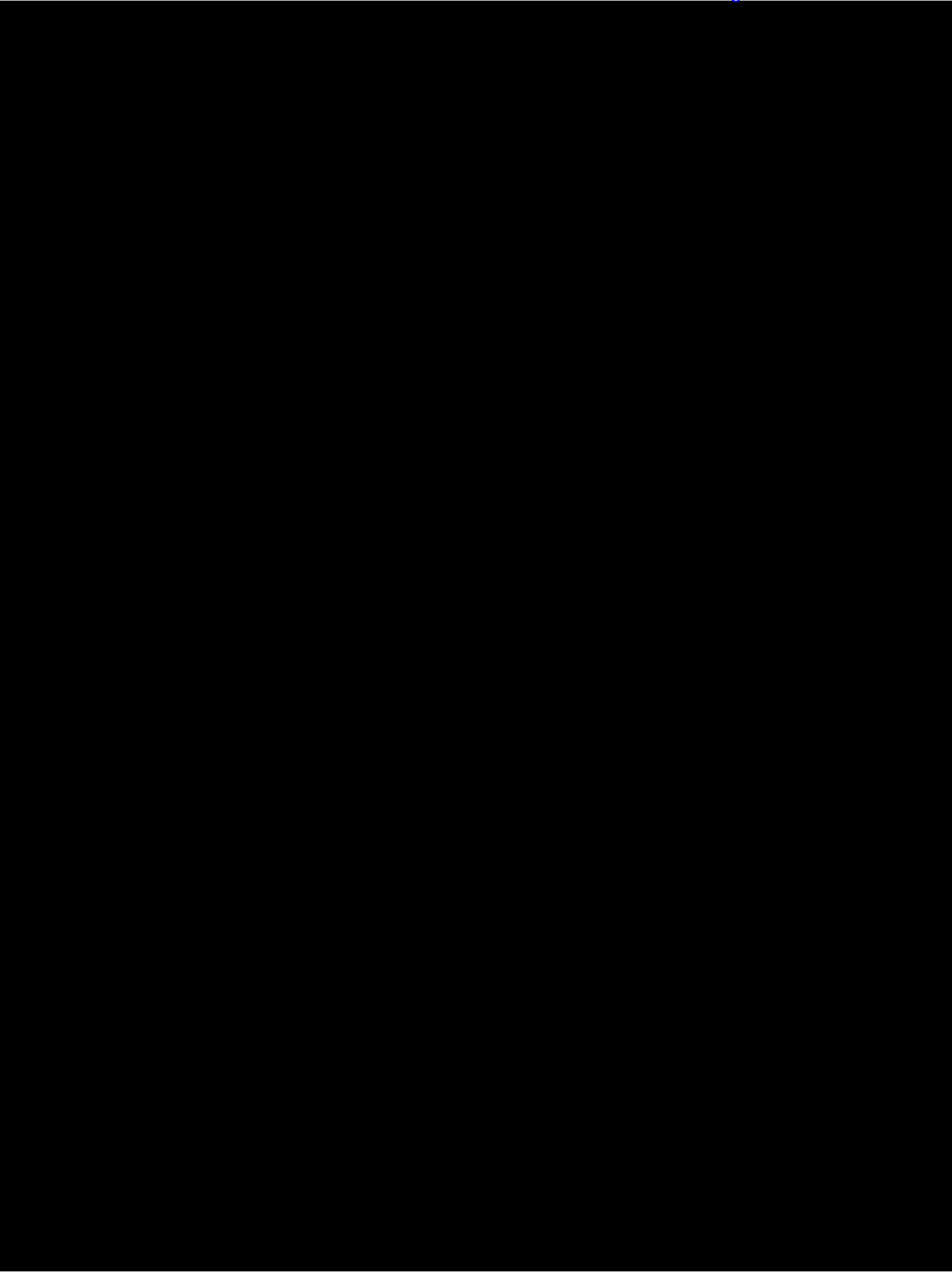
<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Exim Bank Dispute/Elmas (Labor)				
06/01/2021	DHK	<i>Litigation Services</i> Research and draft motion for sanctions re plaintiff's failure to appear at deposition.	2.30 at \$ 675.00/hr	\$ 1,552.50
06/15/2021	CQB	<i>Paralegal Services</i> Pull, save to file, and circulate plaintiff and Intransia's motion for summary judgment documents; Calculate and calendar response date for both.	0.90 at \$ 205.00/hr	\$ 184.50
06/15/2021	AL	<i>Litigation Services</i> Analyze Turk Exim summary judgment motion.	0.50 at \$ 795.00/hr	\$ 397.50
06/16/2021	DHK	<i>Litigation Services</i> Review and analyze motions for summary judgment and discuss same with A. Levine	1.80 at \$ 675.00/hr	\$ 1,215.00
06/16/2021	AL	<i>Litigation Services</i> Conference with D. Kwasniewski re summary judgement motions.	0.50 at \$ 795.00/hr	\$ 397.50
06/17/2021	ABH	<i>Litigation Services</i> Review and analyze documents relating to dispute, including complaints and summary judgment papers.	1.20 at \$ 595.00/hr	\$ 714.00
06/17/2021	CQB	<i>Other</i> Prepare sharefile of MSJ papers filed by Intransia and Turk, circulate to team; Calculate and calendar Intransia's MSJ.	0.50 at \$ 205.00/hr	\$ 102.50
06/18/2021	ABH	<i>Litigation Services</i> Continue reviewing background materials; confer re same; research and analyze law re holder in due course status.	3.40 at \$ 595.00/hr	\$ 2,023.00
06/18/2021	DHK	<i>Litigation Services</i> Review and analyze motions for summary judgment; discuss same with A. Hasegawa	1.40 at \$ 675.00/hr	\$ 945.00
06/20/2021	ABH	<i>Litigation Services</i> Continue researching and analyzing issues for summary judgment opposition, including challenging Turk's evidence as a discovery sanction.	2.40 at \$ 595.00/hr	\$ 1,428.00
06/21/2021	ABH	<i>Litigation Services</i> Continue researching issues for summary judgment opposition and draft short memo re same.	4.30 at \$ 595.00/hr	\$ 2,558.50
06/22/2021	ABH	<i>Litigation Services</i> Continue researching and analyzing issues for summary judgment opposition; work on memo re same for use in opposition brief.	5.50 at \$ 595.00/hr	\$ 3,272.50

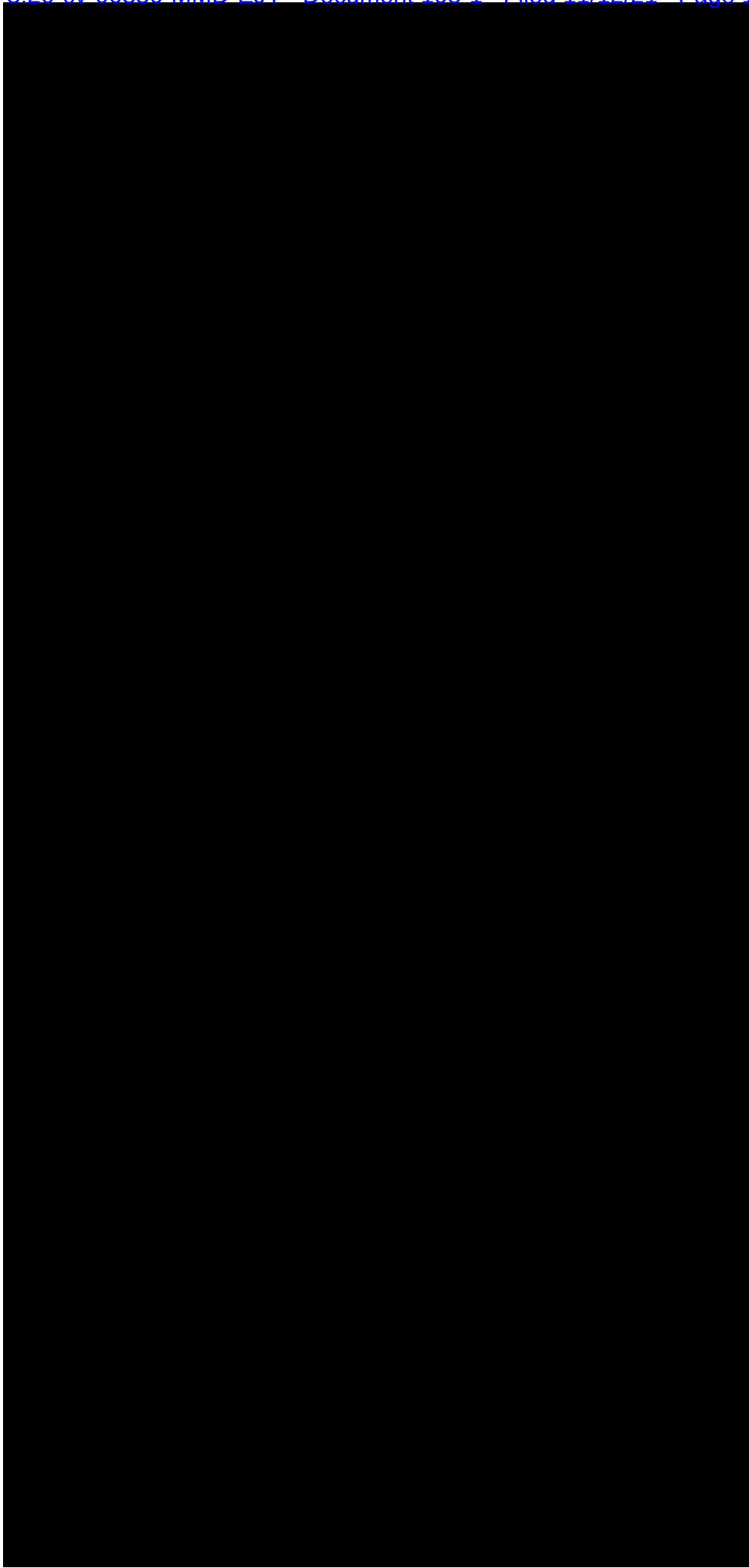
06/22/2021	DHK	<i>Litigation Services</i> Review research re motion for summary judgment filed by EximBank; review and analyze motion for summary judgment filed by Intransia and draft outline for opposition to same	3.10 at \$ 675.00/hr	\$ 2,092.50
06/25/2021	ABH	<i>Legal Services</i> Confer and strategize re opposition to motion for summary judgment; review plaintiff's motion.	0.40 at \$ 595.00/hr	\$ 238.00
06/28/2021	ABH	<i>Litigation Services</i> Begin drafting motion to strike affidavit re summary judgment motion.	5.10 at \$ 595.00/hr	\$ 3,034.50
06/29/2021	ABH	<i>Litigation Services</i> Continue drafting motion for sanctions.	4.20 at \$ 595.00/hr	\$ 2,499.00
06/30/2021	ABH	<i>Litigation Services</i> Continue working on motion for sanctions.	2.40 at \$ 595.00/hr	\$ 1,428.00

Total Hours: 39.90 hrs

Total Labor: \$ 24,082.50

Total Amount: \$ 24,082.50





BRAUNHAGEY & BORDEN LLP

BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104
www.braunhagey.com

Invoice submitted to:

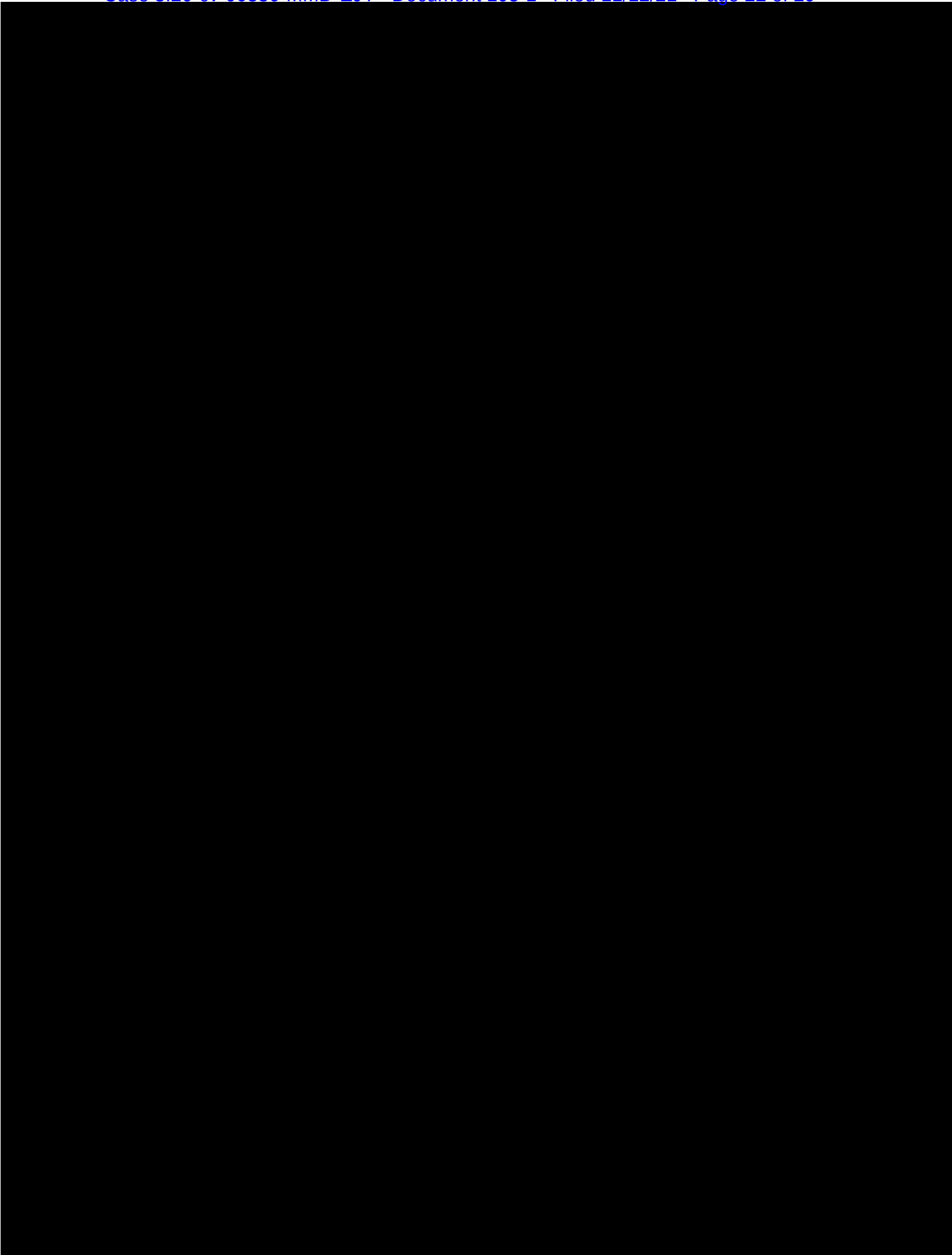
Nature's Bakery
 425 Maestro Drive, Suite 101
 Reno, NV 89511
 Email: chirag.shah@naturesbakery.com; clansing@naturesbakery.com

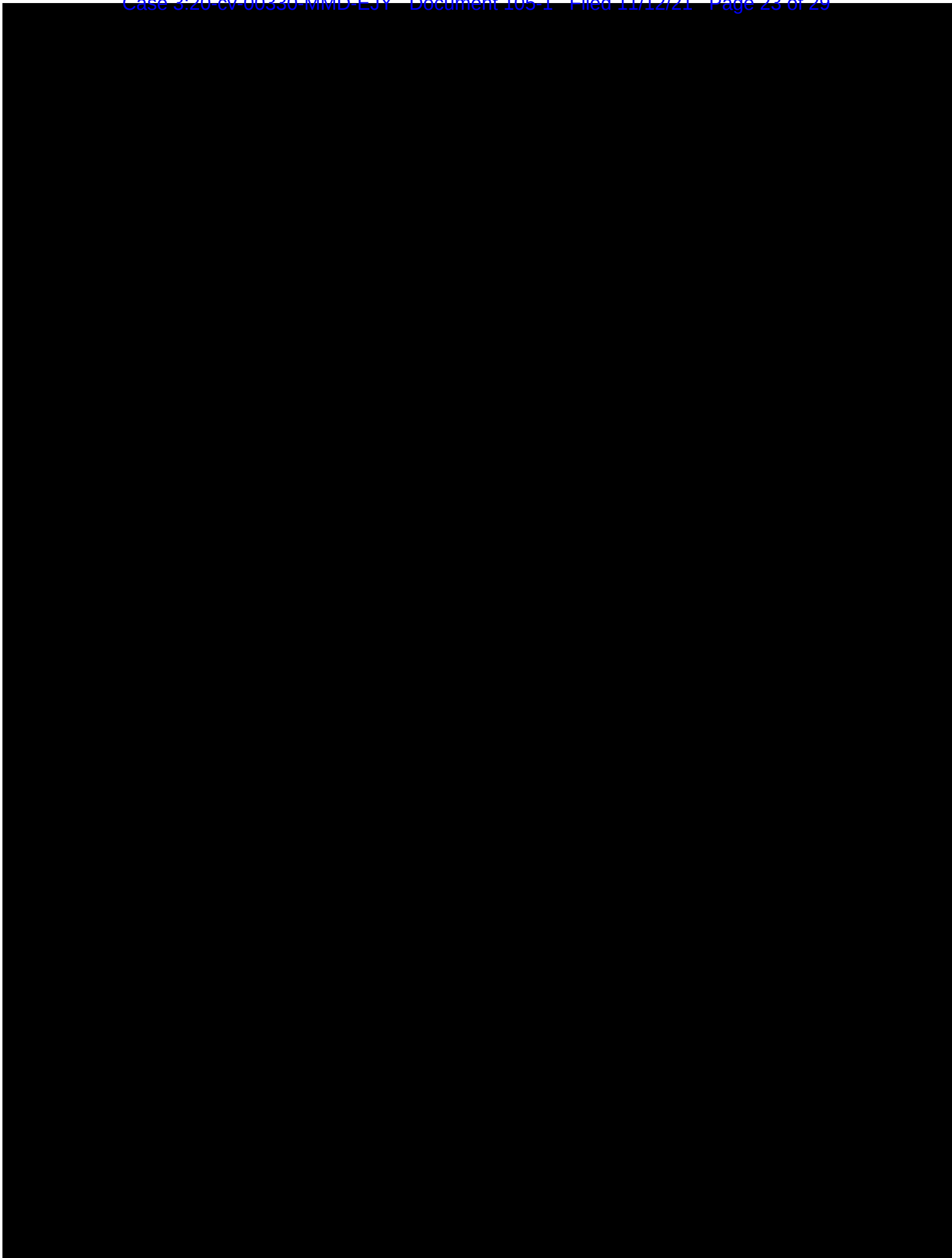
Invoice #	31510
Invoice Date	08/23/2021
For Services Through	07/31/2021
Terms:	N/A

<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Exim Bank Dispute/Elmas (Labor)				
06/28/2021	CQB	<i>Paralegal Services</i> Update IManage account with pertinent filing; Prepare shell for opposition to MSJ, circulate to A.Hasegawa.	0.90 at \$ 205.00/hr	\$ 184.50
07/01/2021	ABH	<i>Litigation Services</i> Continue working on motion for sanctions; begin drafting opposition to motion for summary judgment.	5.30 at \$ 595.00/hr	\$ 3,153.50
07/01/2021	AL	<i>Litigation Services</i> Analyze Turk Eximbank motion for summary judgment; analyze Intransia motion for summary judgment; email with D. Kwasniewski re extensions re same.	1.50 at \$ 795.00/hr	\$ 1,192.50
07/02/2021	ABH	<i>Litigation Services</i> Work on opposition to Turk Eximbank's motion for summary judgment.	2.30 at \$ 595.00/hr	\$ 1,368.50
07/03/2021	ABH	<i>Litigation Services</i> Continue working on opposition to Turk Eximbank's motion for summary judgment.	1.20 at \$ 595.00/hr	\$ 714.00
07/05/2021	ABH	<i>Litigation Services</i> Review and analyze documents and correspondence with Elmas; work on summary judgment opposition.	4.20 at \$ 595.00/hr	\$ 2,499.00
07/06/2021	ABH	<i>Litigation Services</i> Continue working on opposition to Turk Eximbank's motion for summary judgment.	3.20 at \$ 595.00/hr	\$ 1,904.00
07/07/2021	ABH	<i>Litigation Services</i> Continue working on opposition to summary judgment.	2.70 at \$ 595.00/hr	\$ 1,606.50
07/07/2021	CQB	<i>Paralegal Services</i> Review file for deposition transcript of Joe Marshall, send update to A.Hasegawa.	0.30 at \$ 205.00/hr	\$ 61.50
07/08/2021	ABH	<i>Litigation Services</i> Continue working on opposition to summary judgment motion.	2.20 at \$ 595.00/hr	\$ 1,309.00
07/09/2021	ABH	<i>Litigation Services</i> Continue working on motion for summary judgment and motion for sanctions.	9.20 at \$ 595.00/hr	\$ 5,474.00
07/10/2021	ABH	<i>Legal Services</i> Continue working on motion for sanctions and opposition to motion for summary judgment.	1.40 at \$ 595.00/hr	\$ 833.00
07/14/2021	ABH	<i>Litigation Services</i> Revise and edit opposition to motion for summary judgment.	2.80 at \$ 595.00/hr	\$ 1,666.00

07/14/2021	AL	<i>Litigation Services</i> Analyze draft opp to motion for SJ; revisions re same.	2.80 at \$ 795.00/hr	\$ 2,226.00
07/15/2021	ABH	<i>Litigation Services</i> Revised and edited motion for sanctions and opposition to motion for summary judgment.	4.90 at \$ 595.00/hr	\$ 2,915.50
07/15/2021	DHK	<i>Litigation Services</i> Research and draft opposition to Intransia's motion for summary judgment; review and revise opposition to EximBank's motion for summary judgment and Nature's Bakery's motion for sanctions; correspond with client re same	5.70 at \$ 675.00/hr	\$ 3,847.50
07/16/2021	DHK	<i>Litigation Services</i> Research and draft opposition to Intransia's motion for summary judgment	4.30 at \$ 675.00/hr	\$ 2,902.50
07/17/2021	ABH	<i>Litigation Services</i> Revised and edited motion for sanctions and opposition to motion for summary judgment; conferred with client re same.	0.90 at \$ 595.00/hr	\$ 535.50
07/17/2021	DHK	<i>Litigation Services</i> Call with client to discuss status of motions for summary judgment	0.50 at \$ 675.00/hr	\$ 337.50
07/18/2021	ABH	<i>Litigation Services</i> Review and analyze Joe Marshall deposition transcript; revise and edit summary judgment opposition.	2.70 at \$ 595.00/hr	\$ 1,606.50
07/19/2021	ABH	<i>Litigation Services</i> Continue working on motion for sanctions, opposition to summary judgment, and declarations re same; confer w client re declarations.	3.00 at \$ 595.00/hr	\$ 1,785.00
07/19/2021	DHK	<i>Litigation Services</i> Further drafting and research for opposition to Intransia's motion for summary judgment; review and revise opposition to Eximbank motion for summary judgment and Nature's Bakery's motion for sanctions; discuss motions with Joe Marshall and prepare declaration for him to sign	5.30 at \$ 675.00/hr	\$ 3,577.50
07/20/2021	AL	<i>Litigation Services</i> Revise oppositions to motion for summary judgment and motion for sanctions; conference with BHB re same; revise declarations re same.	3.50 at \$ 795.00/hr	\$ 2,782.50
07/20/2021	OR	<i>Paralegal Services</i> Conduct factual and legal research re commercial loan and credit agreements.	1.50 at \$ 195.00/hr	\$ 292.50
07/20/2021	CQB	<i>Paralegal Services</i> Begin preparing exhibits for opposition to MSJ, assist in research re: Turk's knowledge of Elma's financial troubles, new articles; Gather exhibits for Nature's Bakery motion for sanctions, emails with counsel re: finalizing motions, opposition to MSJs, declarations; Emails with local counsel re: exhibit revisions, updated documents.	3.30 at \$ 205.00/hr	\$ 676.50
07/20/2021	DHK	<i>Litigation Services</i> Review and further revise oppositions to EximBank and Intransia motions for summary judgment; revise declarations in support of same; discuss same with Joe Marshall	5.70 at \$ 675.00/hr	\$ 3,847.50
07/21/2021	ABH	<i>Litigation Services</i> Work on opposition to Turk Eximbank's motion for summary judgment, motion for sanctions, and declarations re same; prepare same for filing.	11.90 at \$ 595.00/hr	\$ 7,080.50
07/21/2021	ABH	<i>Litigation Services</i> Review filing and correspond re errata to exhibit list.	0.20 at \$ 595.00/hr	\$ 119.00
07/28/2021	DHK	<i>Litigation Services</i> Correspondence with opposing counsel re briefing schedule	0.30 at \$ 675.00/hr	\$ 202.50
07/28/2021	AL	<i>Litigation Services</i> Conference with D. Kwasniewski re briefing schedules.	0.30 at \$ 795.00/hr	\$ 238.50
In Reference To: Exim Bank Dispute/Elmas (Expenses)				
07/30/2021	EJC	<i>Court Expense (Transcript, Filing, etc.)</i> Transperfect Deposition Services; Deposition Service Fees	\$756.15	\$ 756.15

Total Hours: 94.00 hrs
Total Labor: \$ 56,939.00
Expenses: \$ 756.15
Total Amount: \$ 57,695.15





BRAUNHAGEY & BORDEN LLP

BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104
www.braunhagey.com

Invoice submitted to:

Nature's Bakery
 425 Maestro Drive, Suite 101
 Reno, NV 89511
 Email: chirag.shah@naturesbakery.com; clansing@naturesbakery.com

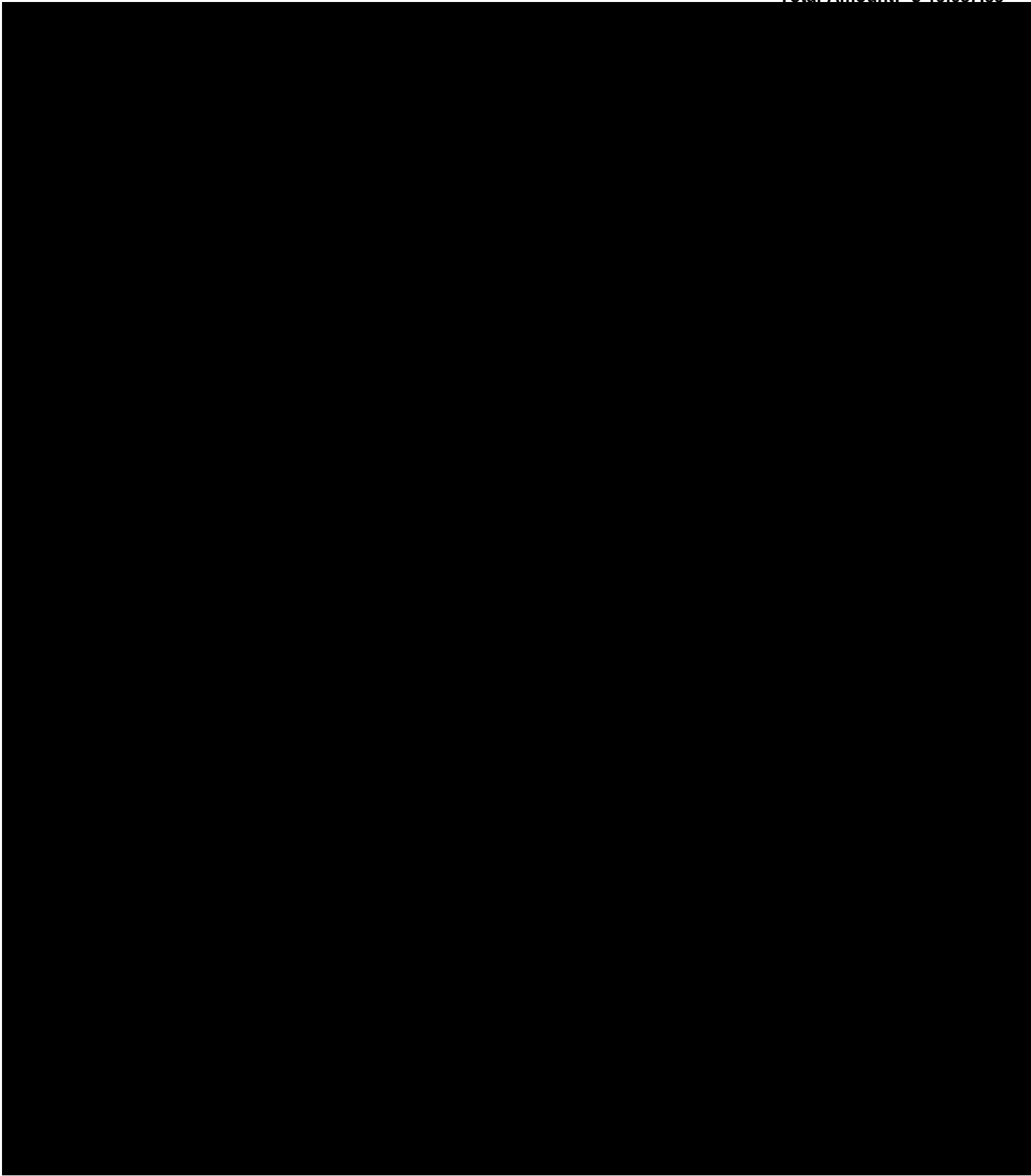
Invoice #	31817
Invoice Date	09/29/2021
For Services Through	08/31/2021
Terms:	N/A

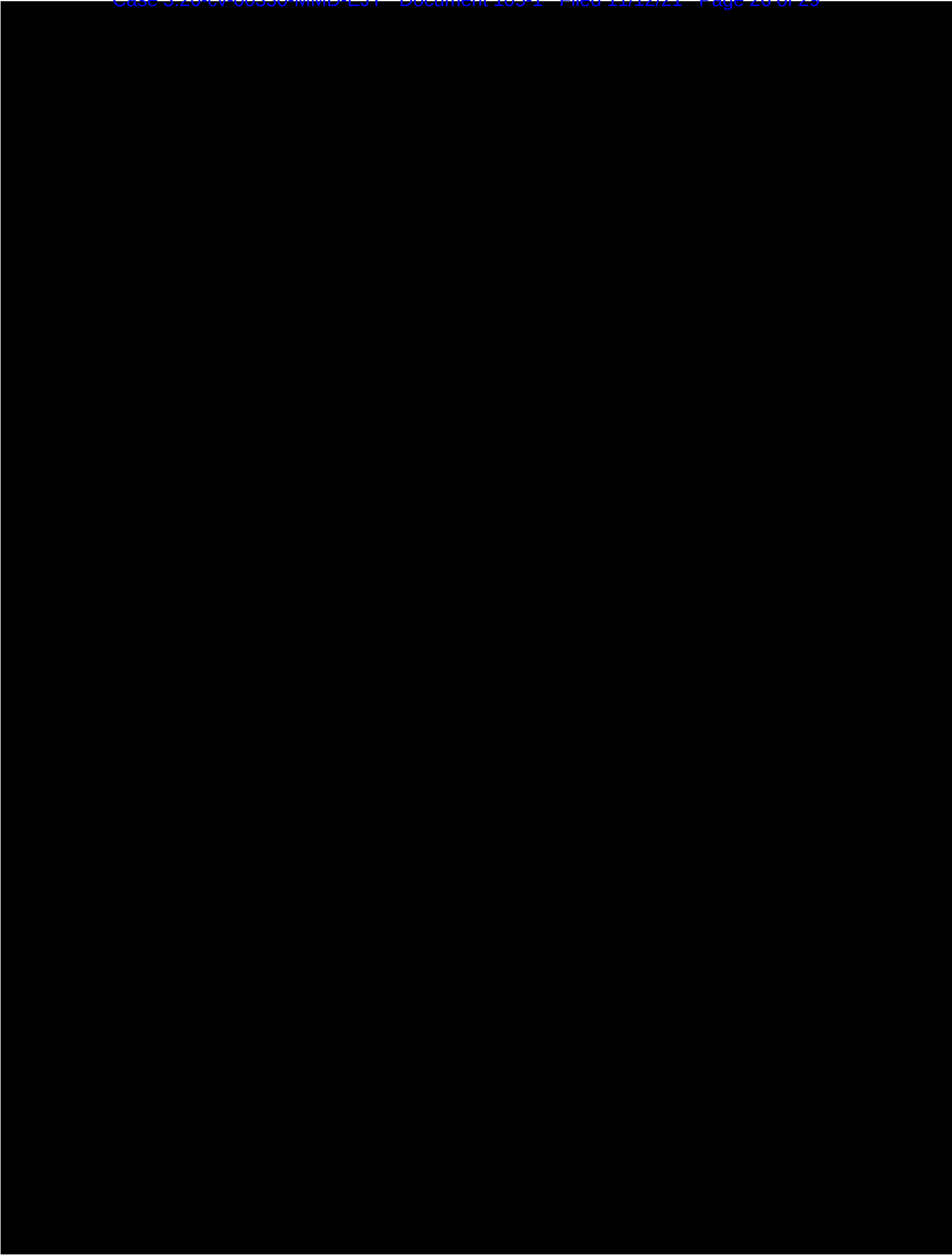
<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Exim Bank Dispute/Elmas (Labor)				
08/17/2021	CQB	<i>Paralegal Services</i> Update electronic file with docket entries (recent motions, Court Orders, etc.); circulate motion for sanctions and response to MSJ papers to A. Levine and D. Kwasniewski for review.	0.70 at \$ 205.00/hr	\$ 143.50
08/19/2021	CQB	<i>Paralegal Services</i> Pull Plaintiff's reply ISO motion for summary judgment, save to file; circulate to counsel.	0.20 at \$ 205.00/hr	\$ 41.00
08/23/2021	AL	<i>Litigation Services</i> Analyze replies in support of motion for summary judgment.	1.60 at \$ 795.00/hr	\$ 1,272.00
08/24/2021	DHK	<i>Litigation Services</i> Review and analyze Plaintiff and Intransia's reply briefs; discuss same with A. Levine.	4.60 at \$ 675.00/hr	\$ 3,105.00
08/24/2021	AL	<i>Litigation Services</i> Analyze replies in support of motions for summary judgment; conference with D. Kwasniewski re: summary judgment; motion to strike and for leave re: sur-reply.	0.70 at \$ 795.00/hr	\$ 556.50
08/25/2021	DHK	<i>Litigation Services</i> Research and draft reply in support of motion for sanctions re plaintiff's failure to appear at deposition	3.40 at \$ 675.00/hr	\$ 2,295.00
08/25/2021	AL	<i>Litigation Services</i> Conference with local counsel re: motion to strike and leave to file sur-reply; conference with D. Kwasniewski re: same and next steps.	0.60 at \$ 795.00/hr	\$ 477.00
08/26/2021	DHK	<i>Litigation Services</i> Research and draft reply in support of motion for sanctions; research standard for motion to strike; research standard for sur-reply.	3.70 at \$ 675.00/hr	\$ 2,497.50
08/27/2021	DHK	<i>Litigation Services</i> Research and draft reply in response to opposition to motion for sanctions.	3.20 at \$ 675.00/hr	\$ 2,160.00
08/30/2021	ESS	<i>Litigation Services</i> Speak to D. Kwasniewski re research assignment; analyze reply brief.	1.50 at \$ 495.00/hr	\$ 742.50
08/30/2021	DHK	<i>Litigation Services</i> Discuss legal research needs with E. Schlabs; draft motion to strike and/or motion for leave to file sur-reply.	1.70 at \$ 675.00/hr	\$ 1,147.50
08/31/2021	ESS	<i>Litigation Services</i> Conduct research re summary judgment reply.	4.70 at \$ 495.00/hr	\$ 2,326.50
08/31/2021	DHK	<i>Litigation Services</i> Research and draft reply in support of motion for sanctions; review legal research by E. Schlabs and discuss same with A. Levine	3.20 at \$ 675.00/hr	\$ 2,160.00

In Reference To: **Exim Bank Dispute/Elmas (Expenses)**

07/25/2021	EJC	Legal Research Vendor Westlaw; July 2021	\$763.88	\$ 763.88
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Total Hours:	29.80 hrs
Total Labor:	\$ 18,924.00
Expenses:	\$ 763.88
Total Amount:	\$ 19,687.88





BRAUNHAGEY & BORDEN LLP

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Invoice submitted to:

Nature's Bakery
 425 Maestro Drive, Suite 101
 Reno, NV 89511
 Email: chirag.shah@naturesbakery.com; clansing@naturesbakery.com

Invoice #	31958
Invoice Date	10/13/2021
For Services Through	09/30/2021
Terms:	N/A

<u>Date</u>	<u>By</u>	<u>Service Summary</u>	<u>Hours/Rate</u>	<u>Amount</u>
In Reference To: Exim Bank Dispute/Elmas (Labor)				
09/01/2021	DHK	<i>Litigation Services</i> Revise motion for extension of time to file reply; review and analyze opposition brief and discuss same with client.	1.50 at \$ 675.00/hr	\$ 1,012.50
09/01/2021	AL	<i>Litigation Services</i> Analyze research re: setoff and recoupment; conference with BHB re: same.	0.80 at \$ 795.00/hr	\$ 636.00
09/01/2021	ESS	<i>Litigation Services</i> Conduct research re holder in due course status; send research to D. Kwasniewski.	2.60 at \$ 495.00/hr	\$ 1,287.00
09/02/2021	DHK	<i>Litigation Services</i> Discuss filings and case strategy with client; research and draft reply in support of motion for sanctions; research and draft motion to strike plaintiff's improper submission; research and draft sur-reply in opposition to plaintiff's motion for summary judgment.	4.50 at \$ 675.00/hr	\$ 3,037.50
09/02/2021	AL	<i>Litigation Services</i> Research re: set-off as defense to holder in due course; conference with client re: next steps.	1.20 at \$ 795.00/hr	\$ 954.00
09/07/2021	DHK	<i>Litigation Services</i> Research and draft reply in support of motion for sanctions; research and draft sur-reply in support of opposition to motion for summary judgment; draft motion to strike Plaintiff's improper summary judgment filing; discuss same with E. Schlabs.	7.70 at \$ 675.00/hr	\$ 5,197.50
09/07/2021	ESS	<i>Litigation Services</i> Draft sur-reply brief; conduct research re same.	5.50 at \$ 495.00/hr	\$ 2,722.50
09/08/2021	AL	<i>Litigation Services</i> Conference with D. Kwasniewski re: invoices; revise reply motion to strike.	0.80 at \$ 795.00/hr	\$ 636.00
09/08/2021	ESS	<i>Litigation Services</i> Edit summary judgment sur-reply brief.	1.60 at \$ 495.00/hr	\$ 792.00
09/08/2021	DHK	<i>Litigation Services</i> Research and draft motion to strike Plaintiff's improper brief; research and draft reply in support of motion for sanctions; research and draft sur-reply in support of opposition to motion for summary judgment; discuss draft declaration with Joe Marshall.	10.30 at \$ 675.00/hr	\$ 6,952.50
09/09/2021	AL	<i>Litigation Services</i> Conference with D. Kwasniewski re: invoices; revise reply in support of sanctions.	3.10 at \$ 795.00/hr	\$ 2,464.50

09/09/2021	ESS	<i>Litigation Services</i> Draft brief; conduct research re account stated claim.	1.10 at \$ 495.00/hr	\$ 544.50
09/09/2021	DHK	<i>Litigation Services</i> Finalize and file reply in support of motion for sanctions.	7.40 at \$ 675.00/hr	\$ 4,995.00
09/10/2021	AL	<i>Litigation Services</i> Revise sur-reply in opposition to summary judgment and motion to strike.	2.50 at \$ 795.00/hr	\$ 1,987.50
09/10/2021	DHK	<i>Litigation Services</i> Finalize and file motion to strike Plaintiff's improper brief, sur-reply in support of opposition to motion for summary judgment.	6.70 at \$ 675.00/hr	\$ 4,522.50
09/14/2021	CQB	<i>Paralegal Services</i> Update electronic file with docket entries, internal folder organization; prepare emails with D.Kwasniewski re: same.	1.30 at \$ 205.00/hr	\$ 266.50
09/21/2021	AL	<i>Litigation Services</i> Conference with D. Kwasniewski re: strategy and next steps.	0.20 at \$ 795.00/hr	\$ 159.00
09/23/2021	AL	<i>Litigation Services</i> Analyze opposition to motion to strike.	0.50 at \$ 795.00/hr	\$ 397.50
09/23/2021	CQB	<i>Paralegal Services</i> Pull, save, and circulate plaintiff's opposition to defendant's motion to strike.	0.20 at \$ 205.00/hr	\$ 41.00
09/27/2021	AL	<i>Litigation Services</i> Analyze opposition to motion for surreply.	0.80 at \$ 795.00/hr	\$ 636.00
09/28/2021	DHK	<i>Litigation Services</i> Review opposition to motion to strike and discuss same with A. Levine and E. Schlabs.	3.10 at \$ 675.00/hr	\$ 2,092.50
09/29/2021	AL	<i>Litigation Services</i> Analyze research re: motion for leave to file surreply.	0.60 at \$ 795.00/hr	\$ 477.00
09/29/2021	ESS	<i>Litigation Services</i> Conduct research for reply in support of motion to strike.	3.00 at \$ 495.00/hr	\$ 1,485.00
09/29/2021	DHK	<i>Litigation Services</i> Draft reply in support of motion to strike.	6.20 at \$ 675.00/hr	\$ 4,185.00
09/30/2021	AL	<i>Litigation Services</i> Revise reply in support of motion to file surreply.	1.00 at \$ 795.00/hr	\$ 795.00
09/30/2021	DHK	<i>Litigation Services</i> Draft reply in support of motion to strike, supervise filing of same.	5.70 at \$ 675.00/hr	\$ 3,847.50
In Reference To: Exim Bank Dispute/Elmas (Expenses)				
09/30/2021	EJC	<i>Legal Research Vendor</i> Westlaw; September 2021	\$604.51	\$ 604.51

Total Hours: 79.90 hrs
Total Labor: \$ 52,123.50
Expenses: \$ 604.51

